

REMARKS

In the Final Office Action, the Examiner rejects claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Chiu et al. (U.S. Patent Publication No. 2002/0063916) in view of Erickson et al. (US Patent No. 6,882,765); rejects claims 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Erickson et al. in view of Pan (U.S. Patent 7,274,869); and rejects claims 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Erickson et al. in view of Chiu et al. Applicant respectfully traverses these rejections. Claims 1-20 remain pending.

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chiu et al. in view of Erickson et al. Applicant respectfully traverses this rejection.

Independent claim 1 is directed to a method for responding to a failure in a network including a router and an optical cross-connect system (OXC), the method comprising: detecting the failure in the router; sending a signal from the router to the OXC, where the signal indicates the failure; causing a working port of the OXC to connect to a protection port of the router in response to detection of the signal; and transmitting data from the router to the OXC via the protection port. Applicant respectfully submits that Chiu et al. and Erickson et al. do not disclose or suggest this combination of features.

For example, Chiu et al. and Erickson et al. do not disclose or suggest detecting the failure in the router and sending a signal from the router to the OXC, where the signal indicates the failure, as recited in claim 1. The Final Office Action (page 2) relies on

section [0017] of Chiu et al. for allegedly disclosing these features. Applicant respectfully disagrees with the Examiner's interpretation of Chiu et al.

Section [0017] of Chiu et al. recites:

If the router failure is detected by a router, at either a remote node or at the same node as the failed router, the detecting router transmits a request to an OXC at the respective node that the lightpath be re-established using the redundant router in place of the failed router. If the detecting router is at the remote node, the OXC at the remote node transmits the request to the OXC at the same node as the failed router.

This section of Chiu et al. discloses two distinct routers, a "failed router" and a "detecting router," (where the "detecting router" may be located at a remote node or within the same node as the "failed router") where the "detecting router" sends a signal to the OXC indicating detection of the "failed router." This section of Chiu et al. is in contrast to claim 1, which recites that the (failed) router "sends a signal from the router to the OXC, where the signal indicates the failure," as required by claim 1. Therefore, Applicant respectfully submits that Chiu et al. does not disclose or suggest detecting the failure in the router and sending a signal from the router to the OXC, where the signal indicates the failure, as recited in claim 1.

Additionally, as Chiu et al. switches communications from the failed router to a redundant router, Chiu et al. cannot disclose or suggest causing a working port of the OXC to connect to a protection port of the (failed) router in response to detection of the signal and transmitting data from the (failed) router to the OXC via the protection port, as also recited in claim 1. Erickson et al. does not remedy the deficiencies of Chiu et al. as described above with respect to claim 1.

For at least these reasons, Applicant respectfully submits that neither Chiu et al. nor Erickson et al., whether taken alone or in combination, discloses or suggests the features of claim 1.

Accordingly, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-5 depend from claim 1. Therefore, Applicant submits that these claims are allowable for at least the reasons as set forth above with respect to claim 1.

Accordingly, withdrawal of the rejection and allowance of claims 2-5 are respectfully requested.

Independent claim 6 recites features similar to, but of different scope than, claim 1. For reasons similar to those discussed above with respect to claim 1, Applicant submits that claim 6 is patentable over Chiu et al. and Erickson et al. Accordingly, withdrawal of the rejection and allowance of claim 6 are respectfully requested.

Claims 7-10 depend from claim 6. Therefore, Applicant submits that these claims are allowable for at least the reasons as set forth above with respect to claim 6.

Accordingly, withdrawal of the rejection and allowance of claims 7-10 are respectfully requested.

Claims 11-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Erickson et al. in view of Pan.

Independent claim 11 is directed to an optical cross-connect system comprising: a spare port for transmitting low priority data from a router; and a working port for transmitting high priority data from a primary router, where the working port is

connected to the router in response to a failure of the primary router. Applicant respectfully submits that Erickson et al. and Pan do not disclose or suggest this combination of features.

For example, Erickson et al. and Pan do not disclose or suggest an optical cross-connect system that includes a working port for transmitting high priority data from a primary router, where the working port is connected to the router in response to a failure of the primary router, as recited in claim 11. The Final Office Action (page 6) alleges “(See Col. 20 lines 51-53, fig. 15 elements 1531a i.e. working port)” and “(See Col. 23 line 6-27 i.e. working port is connected to a router in case of a failure in *primary path*)” regarding this feature. Applicant respectfully disagrees with the Examiner’s interpretation of Erickson et al.

Column 23, lines 6-27 of Erickson et al. recites:

The various signaling means previously described can be used but in an alternate direction from the client 1502 to the optical cross-connect switch 1504. In the exemplary case of the connection failure 1702, the port 1521A, itself or through the NMC 1520, signals from the client equipment 1502 to the optical cross-connect switch 1504 that the connection failure 1702 has occurred in link 1506A' as illustrated in FIG. 17A. Using the out-of-band signaling channel, port 1521A signals to the NMC 1520 the connection failure 1702 has occurred on link 1506A'. The NMC 1520 coupled to the network 1514, signals to the NMC 1530 coupled to the network 1514 using the out-of-band signaling channel. Using in-band signaling, the port 1521A signals over the good link 1506A to the port 1531A that the connection failure 1702 has occurred in link 1506A'. The signal over the good link 1506A can be either a pre-determined pattern indicating a signal loss on the opposite link or simply a termination of the signals on the link. If signal termination is used, the port 1531A detects the signal termination assuming that a connection failure has occurred and attempts to signal back to the client 1502 and switches to the protection port 1532.

This cited portion of Erickson et al. discloses only one device connected to an OXC (1504) which may be considered as a router, which is the “client” (1502). As stated in the Final Office Action, this portion of Erickson et al. discloses detection of a failure in a *primary path* (of a router 1502) and switching communications to a *protection path* (via protection port 1532) to communicate with the same single router (1502). Erickson et al. does not disclose or suggest that a working port (1531A) is connected to the router in response to a failure of the primary router, as required by claim 11. Therefore, Applicant respectfully submits that Erickson et al. does not disclose or suggest a router and a primary router, where the working port is connected to the router in response to failure of the primary router, as recited in claim 11. Pan does not remedy the deficiencies of Erickson et al. as described above with respect to claim 11.

For at least these reasons, Applicant respectfully submits that neither Erickson et al. nor Pan, whether taken alone or in combination, discloses or suggests the features of claim 11.

Accordingly, withdrawal of the rejection and allowance of claim 11 are respectfully requested.

Claims 12-14 depend from claim 11. Therefore, Applicant submits that these claims are allowable for at least the reasons as set forth above with respect to claim 11.

Accordingly, withdrawal of the rejection and allowance of claims 12-14 are respectfully requested.

Claims 15-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Erickson et al. in view of Chiu et al.

Independent claim 15 recites a communications network for transmitting data, the communication network comprising: a router for receiving the data from a terminal, the router comprising: a working port for receiving the data from the terminal; and a protection port for receiving the data from the terminal in response to a failure of the working port; and an optical cross-connect system (OXC) for receiving the data from the router, the optical cross-connect system comprising a working port, where the working port of the OXC is connected to the protection port of the router in response to a signal received from the router indicating the failure of the working port of the router. Applicant respectfully submits that Erickson et al. and Chiu et al. do not disclose or suggest this combination of features.

For example, Erickson et al. and Chiu et al. do not disclose or suggest that the working port of the OXC is connected to the protection port of the router in response to a signal received from the router indicating the failure of the working port of the router, as recited in claim 15. The Final Office Action (page 8) alleges "(See Col. 23 line 6-27 i.e. working port is connected to the protection port of the router in case of a failure of the working port)" regarding this feature. Applicant respectfully disagrees with the Examiner's interpretation of Erickson et al.

As shown above, this cited portion of Erickson et al. discloses that working ports (1531) of the OXC are connected to working ports (1521) of the client device and protection ports (1532) of the OXC are connected to protection ports (1522) of the client device. Therefore, Erickson et al. does not disclose or suggest that a working port of the OXC is connected to a protection port of the router, as required by claim 15. Therefore,

Applicant respectfully submits that Erickson et al. does not disclose or suggest that the working port of the OXC is connected to the protection port of the router in response to a signal received from the router indicating the failure of the working port of the router, as recited in claim 15. Chiu et al. does not remedy the deficiencies of Erickson et al. as described above with respect to claim 15.

For at least these reasons, Applicant respectfully submits that neither Erickson et al. nor Chiu et al., whether taken alone or in combination, discloses or suggests the features of claim 15.

Accordingly, withdrawal of the rejection and allowance of claim 15 are respectfully requested.

Claims 16-20 depend from claim 15. Therefore, Applicant submits that these claims are allowable for at least the reasons as set forth above with respect to claim 15.

Accordingly, withdrawal of the rejection and allowance of claims 16-20 are respectfully requested.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, assertions as to dependent claims, reasons to modify a reference and/or combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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